

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Social Welfare Department - Nizamabad District — Armour Village and Mandal – Acquisition of land for an extent of Ac.4.19 Guntas for provision of house sites to the weaker section people – payment of Rs.2,59,779/- towards decretal charges in OP.No.303/89 – Permission accorded – Orders issued.

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SOCIAL WELFARE (LA) DEPARTMENT

G.O.Rt.No. 450

Dated:21.06.2008.
Read the following:-

1. From the District Collector, Nizamabad, Letter.No.G2/992/2005, dated.03.03.2005.
2. From the Commissioner of Social Welfare, A.P., Hyderabad, Rc.No.LA2/3395/2005, dated.07.04.2005.
3. Government Memo.No.8183/LA.2/2005-3, dt.25/5/2006.
4. From the Commissioner of Social Welfare, A.P., Hyderabad, Rc.No.LA2/3395/2005, dated.11.11.2007.

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O R D E R:

The Commissioner of Social Welfare, A.P., Hyderabad, in his letter 2nd read above, while forwarding the proposals of the District Collector, Nizamabad, in his letter 1st read above, has requested the Government to release of an amount of Rs.2,65,051/- (Rupees two lakhs sixty five thousand and fifty one only) under decretal charges in OP.No.303/89 to comply with the Court orders.

2. The Land Acquisition Officer, Armour, has acquired for an extent of Ac.4.19 Gts situated at Armour Village & Mandal at Nizamabad District for providing of House sites to weaker section people. The Land Acquisition Officer fixed the market value at Rs.5,000/- per acre vide his Award No.A8/4307/76, dated.28.07.1978. Under Section 18 of the LA Act, the Lower Court in OP.No.303/89, dated.10.10.91, has enhanced the market value from Rs.5,000/- per acre to Rs.28/- per square yard with 1/4th deduction towards developmental activities. Aggrieved by the above enhancement, the LAO/MRO, Armour, has filled Appeal in A.S.No.149/92 before the Hon'ble High Court. As reported by the Collector, Nizamabad the Hon'ble High Court has granted interim stay on condition to deposit half of the amount. Accordingly, an amount of Rs.8,92,228/- had been deposited in the Lower Court on 15.02.1992. The Hon'ble High Court, vide its orders, dated.08.03.2000 in AS.No.149/92 while allowing the appeal partly confirmed the land compensation awarded by the Lower Court with a deduction of 1/3rd area instead of 1/4th and allowing all the other statutory benefits as per L.A. Act.

3. The Government Pleader for appeals, High Court of A.P., vide his letter No.A.S.No.149/92-A/Opn, dated.28.04.2000 has opined that this is not a fit case of appeal to the Hon'ble Supreme Court of India. In order to comply with High Court orders, the LAO/MRO, Armour has deposited an amount of Rs.5,24,082/- towards balance decretal charges excluding interest on solatium in OP.No.303/89 in AS.No.149/92 on 04.03.2002. As the matter stands thus, the claimants advocate has filed Executive Petition No.33/2000 in the Lower Court for depositing of balance decretal amount with up to date interest, as the claimants have received the land compensation amount with part satisfaction as the issue of payment of interest on solatium is pending in the Hon'ble Supreme Court of India as reported by the District Collector, Nizamabad.

4. In Govt., Memo. 3rd read above, the Commissioner of Social Welfare, A.P., Hyderabad/ the District Collector, Nizamabad have been requested to furnish a copy of SLP.No.6271.98 & batch, dated.19-09-2001 referred to in his letter dated.07-04-2005 for reference to the Government. In reply to the Government memo, the Commissioner of Social Welfare, A.P. Hyderabad has stated that the SLP was not filed in this case and also furnished a revised calculation sheet for an amount of Rs.2,59,779/- for difference of interest of decretal charges in OP.No.303/89.

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5. Government, after careful examination of the above proposal, and in consultation with Finance, Revenue and Law Departments, hereby accord sanction for an amount of **Rs.2,59,779/- (Rupees two lakhs fifty nine thousand seven hundred and seventy nine only)** for difference of interest of decretal charges in OP.No.303/89 for the lands acquired for providing house sites to the weaker section people of Nizamabad District.

6. The Commissioner of Social Welfare, A.P., Hyderabad, shall take necessary action to draw the amount sanctioned in para (5) above and issue necessary proceedings to the District Collector, Nizamabad, with available funds at District level from out of the release made from the Budget Estimate 2008-09 and the amount shall be debited under "2225-01-283-G.H. 11-NSP-SH(05)-310/312 –other Grant-in-aid" .

7. The District Collector, Nizamabad, shall verify the calculation sheet submitted by the Land Acquisition Officer once again before issue of proceedings for releasing the amount, if any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

8. the Commissioner of Social Welfare, A.P., Hyderabad, the Collector, Nizamabad District shall also requested to initiate disciplinary action against the concerned Land Acquisition Officers and other responsible persons for the delay of more than eleven years to referring the case to the Lower Court and shall recover the interest amount from them for the delay period.

9. This order issued with the concurrence of Finance (Exp. SW) Department vide their U.O.No.11913/164/A1/Expr.SW/08, dated.05/06/2008

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RACHEL CHATTERJEE
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner of Social Welfare, AP, Hyderabad.

The District Collector, Nizamabad.

Copy to:-

The Dir. of Treasuries and Accounts, A.P.Hyderabad.

The Accountant General, A.P., Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The District Treasury Office, Nizamabad.

The Finance(Exp.SW/BG) Department.

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER